

**Filed 11/17/09 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2009 ND 186

State of North Dakota,

Plaintiff and Appellee

v.

Joseph Henry Johnson,

Defendant and Appellant

No. 20090147

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable David E. Reich, Judge.

AFFIRMED.

Per Curiam.

Lloyd C. Suhr, Assistant State's Attorney, Courthouse, 514 E. Thayer Ave., Bismarck, N.D. 58501, for plaintiff and appellee; submitted on brief.

Benjamin C. Pulkrabek (argued), 402 1st St. NW, Mandan, N.D. 58554-3118, for defendant and appellant.

State v. Johnson

No. 20090147

Per Curiam.

[¶1] Joseph Henry Johnson appeals from a criminal judgment entered after a jury found him guilty of criminal trespass. On appeal, Johnson argues the trial court erred by failing to provide the jury with an instruction on N.D.C.C. § 31-11-05(6) and improperly denied his motion for judgment of acquittal. At oral argument, Johnson also argued an additional jury instruction should have been given on impeachment. When an appellant fails to raise an issue in an appellate brief to this Court, the appellant abandons it. Gowan v. Ward County Comm’n, 2009 ND 72, ¶ 11, 764 N.W.2d 425. We further conclude the trial court did not commit obvious error, and sufficient evidence exists to support the verdict. We affirm the criminal judgment under N.D.R.App.P. 35.1(a)(3) and (7).

[¶2] Gerald W. VandeWalle, C.J.
Mary Muehlen Maring
Daniel J. Crothers
Dale V. Sandstrom
Carol Ronning Kapsner